

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>-----</p> <p>TRUSTEES OF THE DISTRICT COUNCIL 9 PAINTING INDUSTRY INSURANCE AND ANNUITY FUNDS,</p> <p style="text-align: right; padding-right: 40px;">Plaintiffs,</p> <p style="text-align: center; padding-top: 20px;">-against-</p> <p>BESSER & SONS DRYWALL INC.,</p> <p style="text-align: right; padding-right: 40px;">Defendant.</p> <p>-----</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Index No. 07-CIV-7451 (KMK)</p> <p>DEFAULT JUDGMENT</p> <div style="border: 2px solid black; padding: 5px; margin-top: 20px; width: fit-content;"> <p>USDS SDNY</p> <p>DOCUMENT</p> <p>ELECTRONICALLY FILED</p> <p>DOC #: _____</p> <p>DATE FILED: _____</p> </div>
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This action having been commenced on August 22, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the Defendant, Besser & Sons Drywall Inc. on September 5, 2007 via Secretary of State and said Proof of Service having been filed with the Clerk of the Court on September 11, 2007 and the defendant not having appeared, answered or otherwise moved with respect to the Complaint within the time allowed by law, and the time for appearing, answering or otherwise moving having expired it is,

ORDERED, ADJUDGED AND DECREED: that the plaintiff have judgment against defendant in the liquidated amount of Four Thousand Eight Hundred and Thirty Seven Dollars and Ninety Cents (\$4,837.90), which includes the following: the principal amount owed in late charges in the sum of \$2,447.90 for the period September 30, 2006 through to and including December 31, 2006, attorneys' fees in the sum of \$2,000.00; plus court costs and disbursements of this action in the sum of \$390.00.

ORDERED, that the Defendant permit and cooperate in the conduct of an audit of all of its books and records including, but not limited to, all payroll journals, business income tax returns, general ledger and journal, books of original entry, subsidiary ledgers, payroll records, bank statements,

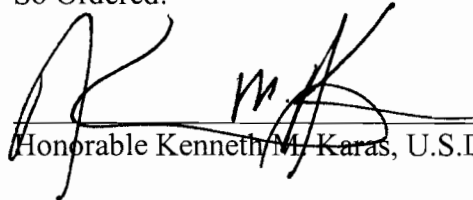
and cancelled checks, W-2 and W-3 forms, 940, 941, WT4-A and WT4-B forms, 1099 forms, New York State employment report, insurance reports, disability insurance reports, Workers Compensation report forms and remittance reports for the period August 4, 2006 through to present and directing, that judgment be entered thereon for the amount stated in the audit report including interest, liquidated damages, and auditors' fees.

ORDERED, that the Judgment rendered by the Court on this day in favor of the Plaintiffs be entered as a final judgment against Defendant and the Clerk of the Court is directed to enter such judgment forthwith.

Dated: White Plains, New York

November 20, 2007

So Ordered:



Honorable Kenneth M. Karas, U.S.D.J.